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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,405	01/27/2004	Masakazu Koyanagi	450100-4405.1	3366
7590 03/04/2008 FROMMER LAWRENCE & HAUG LLP 745 FIFTH AVENUE, 10TH FLOOR NEW YORK, NY 10151				
EXAMINER VO, TUNG T				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 03/04/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/766,405

**Applicant(s)**

KOYANAGI ET AL.

**Examiner**

Tung Vo

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.  
4a) Of the above claim(s) 4-19 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☒ Certified copies of the priority documents have been received in Application No. 09/059,744.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-3 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 11, 14, 19, 22, and 23 of U.S. Patent No. 6,720,987.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim of the application is broader in every aspect than the claim of the patent and therefore an obvious variant thereof.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C.103(a) as being unpatentable over Yamaashi et al. (US 6,337,709).

Re claims 1-3, Yamaashi teaches a controller (fig. 1) for a photographing apparatus (101 of fig. 1) having a photographing portion with driving means (102 of fig. 1) that allows the photographing direction of photographing means to be varied (fig. 2, the camera is varied in different angles, -60, -45, -15 degrees), the controller comprising: an operation area (110 of fig. 1, 801 of fig. 1) in which a panorama picture (the camera is taking an image at a different angle, and the captured images would obviously formed a panoramic picture, 301 of figs. 3 and 4) generated with a picture photographed by the photographing means is displayed (802 of figs. 8 - 12); and picture selecting means (1003 of figs. 10 and 12) for allowing the user (1001 of fig. 10 and 12) to designate a desired point in said operation area (801 of figs. 8, 10 and 11-12), selecting an object photographed by the photographing means corresponding to the designated point (1003 of figs. 8, 10-12), and moving the selected object to desired positional coordinates of the driving means (figs. 11(1) and 11(2); fig. 9, Note display area 801 on the whole image 802 is selected by using input part 108 in (step 91) 901. By moving, enlarging or contracting display area 801, the area to be viewed is specified by camera 101. This specified area is maintained in

control section 106. From the coordinates of the rectangle 801 on the whole image, which is specified in the previous step, control section 106 calculates and determines camera information, including a pan angle and a viewing angle for picking up display area 801 by using camera position detecting section 109 so as to pick up display area 801 in (step 92) 902. In (step 93) 903, control section 106 supplies the camera information calculated in the former step to camera control section 103 and controls camera 101).

5. Claims 1-3 are rejected under 35 U.S.C.103(a) as being unpatentable over Yano et al. (US 6,031,941) in view of Hogan et al. (US 5,657,246).

Re claims 1-3, Yano teaches a controller (computer and keyboard) for photographing apparatus having single camera (2 of fig. 1) with a driving means (5 of fig. 2), where the camera processing device would obviously controlling the camera (2 of fig. 1), and a display (12 of fig. 2) having a screen (23 of fig. 3) for displaying a picture photographed in a first window (32 of fig. 3) and a panoramic image or picture in a second window (33 of fig. 3, Note an image obtained as a result of acquiring three-dimensional data in the broad field of view is displayed on the panorama window 35 of fig. 14 of the display device 12), and command window (34 of fig. 3) operate the lens driving means (25 of fig. 4), focus detection device (24 of fig. 4), and a camera displacement detection device (27 of fig. 4), this disclosure would obviously suggests that the command window to select an object of panorama picture to designate to the desired points.

Yano further teaches the computer (1 of fig. 1) comprising the processing device (11 of fig. 2) for processing the picture photographed and providing that picture to the display device

(12 of fig. 2), and allows the user to select the object of the picture in the window (33 of fig. 2), where the coordinates and view point are calculated (figs. 11 and 12) so the view point would be displayed on the window (32 of fig. 3) based on command window (34 of fig. 3). This disclosure would fairly suggest the user would be able to designate a desired point in the window (33 of fig. 3) and select the object corresponding to the designated point.

It is noted that Yano does not particularly disclose moving the selected object to the desired position coordinates of driving means and current position of driving means is displayed on the panorama picture as claimed.

However, Hogan teaches a system (12 of fig. 2A) comprises a monitor or display (28 of fig. 2A) for displaying an image (41 of fig. 2B) with an icon (40 of fig. 2B) and a cursor (col. 4, lines 57-60) to control the camera. Hogan further teaches the window (38 of fig. 8) display a picture and the larger window of the display displaying the selected point (X, 100 of fig. 8) then using the icon (arrow) to move the selected point to the desired position in the window (38) for controlling the camera, so this disclosure would fairly suggest the camera is controlled by the icon and the driving means coordinates would obviously be varied accordance to the camera (col. 4, lines 57-col. 5, line 2; col. 7, line 55-col. 8, line 11). Hogan further suggests the cursor appeared on the selected window image, and the camera is operable to zoom, pan, and tilt in the selected area, this would fairly suggest that the cursor would have a current position (coordinates) of the picture on the display (28).

Taking the teachings of Hogan (figs. 2A, 2B, and 8) and Yano as a whole, it would have been obvious to one of ordinary skill in the art to modify the teachings of Hogan into the controller of Yano for varying the selected object to the desired positional coordinates of the

Art Unit: 2621

driving means of the camera, so that allow the user easily to control the driving means of the camera at the remote location when the cursor is in the pan, tilt, and zoom area.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kosaka et al. (US 5,563,676) discloses camera having standard and panoramic focusing modes

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/  
Primary Examiner, Art Unit 2621